

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Frederick Howard Thornburg**  
Docket No. **267407**  
L.C. No. **04-001055-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The delayed application for leave to appeal filed December 29, 2005, is DISMISSED for lack of jurisdiction because appellant failed to file the application within 12 months of the October 29, 2004 judgment of sentence as required by MCR 7.205(F)(3). There are only two court rules that would allow the starting point to run from the February 7, 2005 order. Those rules are MCR 7.205(F)(3)(b) and MCR 7.205(F)(4). MCR 7.205(F)(3)(b) is inapplicable because the motion for resentencing, filed December 20, 2004, was not filed within 21 days of the October 29, 2004 judgment of sentence. MCR 7.205(F)(4) is inapplicable because the application was not filed within 21 days of the February 7, 2005 order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 21 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk